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|--|-------------|------------------------|---------------------|------------------|
| 10/733,655 | 12/11/2003 | Michael Anthony Alagna | 6002-00701 | 8885 |
| B. Noel Kivlin Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. P.O. Box 398 Austin, TX 78767-0398 | | | | |
| EXAMINER | | | | |
| LEWIS, CHERYL RENEE | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2167 | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/733,655

Applicant(s)

ALAGNA ET AL.

Examiner

Cheryl Lewis

Art Unit

2167

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct. 17, 2008 & Sept. 29 & 11, 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 134-139, 142 and 153-162 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 134-139, 142 and 153-162 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/17/08 & 9/11/08.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the applicants' amendment received on October 17, 2008; September 29, 2008; and September 11, 2008.
2. Claims 134-139, 142, and 153-162 are presented for examination.
3. The applicants have amended claims 134-136 and 139 in the amendment received on September 29, 2008. The applicants have cancelled claims 1-133, 140, 141, and 143-152. Also, the applicants have added new claims 160-162 in the amendment received on September 29, 2008.
4. Applicants' arguments with respect to claims 134-139, 142, and 153-162 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
6. Claim 134, 139, 153, 155, and 158-160 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As follows:

Claims 134, 139, 153, 155, and 158-160 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject. Independent claims 134, 139, 153, 155, and 158-160 each consist of a step to “receive” data. However, independent claims 134, 139, 153, 155, and 158-160 do not manipulate the claim limitation in a way to produce a tangible result. At best, the claim limitations consist of executable steps, which is reasonably interpreted as software code to conduct a step of “analyzing” and “determining” steps of data received in the network.

The claimed inventions, as a whole must accomplish a practical application. That is, it must produce a “useful, concrete and tangible result.” *State Street, 149 F.3d at 1373, 47 USPQ2s at 1601-02. MPEP 2106*. In each of these cases the **result** appears to be identifying a set of annotations contained in data sources and identifying and/or providing data objections having annotations that have been created by other data sources. The claimed limitations are an abstraction as they are not useful, concrete, and tangible they are not put in any tangible form and not useful because they are not presented in such a way as to produce and/or provide some result that is of utility that may exist in the specification however no specific use is provided for in the claimed invention. Thus the claims are non-statutory and stand rejected under 101 as not producing a “useful, concrete and tangible result.”

It is the opinion of the Examiner that the tangible result of the claim limitations can be found in the Specification. For example, on page 5 of the Specification, at lines 8-14, the Specification provides a detailed description about how a user enters and transmits the information in response to a misrepresented web page. Also, page 8,

lines 9-18, provide a detailed description of manipulating a search operation from the security provider administrator 402 and web-crawler 404.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 134-139, 142, and 153-162 are rejected under 35 U.S.C. 102(e) as being anticipated by Bjorksten et al. (Publication No. 20030097451 A1 filed November 16, 2001, hereinafter Bjorksten).

9. Regarding Claim 134, Bjorksten teaches personal data repository.

The method and associated system for a personal data repository as taught or suggested includes:

receive data from an external network (element 104) coupled to the information handling system (element 116), wherein the received data includes a first set of data for a web page (paragraph 0037 and 0085); analyze the first set data to make a determination whether the first set of data indicates that it is from a first source (element 102) coupled to the external network (element 104); and wherein the determination is based at least in part on age of the first set of data (paragraph 0045).

10. Regarding Claims 135-138, 142, 154, 156, 157, and 162, Bjorksten teaches the first set of data includes information indicating that it is from a source trusted by a user of the information handling system (element 106).
11. Regarding Claim 139, Bjorksten teaches receiving a web page at a first computing device via a wide-area network (element 104), wherein the web page (paragraph 0037 and 0085) includes information indicating that its origin is a first source that is trusted by a user of the first computing device (element 102); sending data that is requested by the web page to the origin of the web page (elements 106 and 108); and analyzing the origin's response to the sent data to determine whether the origin of the web page is the first source (paragraph 0088).
12. Regarding Claim 153, 155, and 158-161, the limitations of this claim has been noted in the rejection of claim 134 presented above. In addition, Bjorksten teaches mistrusted web page (elements 106 and 108).

Name Of Contact

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cheryl Lewis/
Primary Examiner, Art Unit 2167
December 22, 2008